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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,200	08/21/2003	Dao Nguyen	AUS920030374US1	7119
45371 7590 05/24/2007 IBM CORPORATION (RUS) c/o Rudolf O Siegesmund Gordon & Rees, LLP 2100 Ross Avenue Suite 2600 DALLAS, TX 75201			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,200

Applicant(s)

NGUYEN ET AL.

Examiner

TuyetLien (Lien) T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 27-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/16/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 03/12/07.

This action is made final.

2. Claims 1-25, 27-37 are pending in the case. Claims 1, 13 and 25 are independent claims. Claims 1, 13, 25, 27-35, and 37 are amended claims.

Double Patenting

3. Applicant's amendment corrects the previous rejection and therefore the rejection is dropped.

Specification

4. Applicant's amendment corrects the previous specification objection and therefore the objection is dropped.

Claim Objections

5. Applicant's amendment corrects the previous claim objection and therefore the objection is dropped.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 13-25 and 27-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 13 and 25, a computer usable medium is recited; however, as disclosed by the specification (e.g., see Applicant's specification amendment on page 14), the computer usable medium is not taught to limit to physical storage medium. In addition, a program product is recited in the claim; and it appears that the program product would reasonably be interpreted by one of ordinary skill in the art as software, per se. As such, it is believed that the program product of claims 13 and 25 are interpreted as non-functional descriptive material, per se. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, a machine, manufacture, or a composition of matter.

Claims 14-24, 27-37 are rejected as incorporating the deficiencies of a claim upon which it depends.

Note: this rejection is necessitated by the specification amendment.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, 6-13, 15, 18-25, 28, 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuli (Patent No US 6,941,382 B1; hereinafter Tuli).

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As to claims 1 and 13, Tuli teaches:

A program product operable on a computer (e.g., see Fig. 1 and col. 1 lines 29-40), the program product comprising:

a computer-usable medium (e.g., internal memory of the host computer and palm top device, see col. 1 lines 29-40 and col. 2 lines 56-62);

wherein the computer usable medium comprises instructions comprising:

instructions for determining if the size of an image is larger than an allocated display area (e.g., see col. 2 lines 34-38);

responsive to a determination that the image is larger than the allocated display area, instructions for dividing the image into a plurality of fragments (e.g., the image 5 is divided into sections 7, 8, 9, and 10 as shown in Fig. 3); and

instructions for displaying a web page with a fragment from the plurality of fragments in the allocated display area (e.g., displaying section 7 in a display window 13, see Fig. 2; note that the users can interact with the displayed fragment like regular web page, see col. 3 lines 25-49);

wherein a number of fragments is determined by calculating a number of x axis divisions and a number of y axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 x-axis and 2 y-axis divisions);

wherein the image is divided into a plurality of fragments without a translation into a bit map image, or a raster image (e.g., see col. 2 lines 20-31 and lines 38-47; note that the browser translator 4 translates HTML or Java web pages into raster image; further note that the division is performed on the raster image that was translated from HTML or Java web pages; of course, those skilled in the art would have realized that the raster image is divided into a plurality of

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fragments without a translation into a bit map image, or a raster image because it is already in the raster image).

Tuli does not expressly teach that calculating the number of x axis divisions and the number of y axis divisions is based on pixels; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of calculating the number of x axis divisions and the number of y axis divisions is based on pixels because Tuli suggests to the skilled artisan that image 5 as shown in Fig. 2 is divided into 4 fragments of equal sizes to accurately and easily divide an image into smaller portions.

As to claim 25, Tuli teaches:

A program product operable on a computer (e.g., see Fig. 1 and col. 1 lines 29-40), the program product comprising:

a computer-usable medium (e.g., internal memory of the host computer and palm top device, see col. 1 lines 29-40 and col. 2 lines 56-62);

wherein the computer usable medium, wherein the computer usable medium comprises:

an image modification program (e.g., browser translator 4, see col. 2 lines 23-32); and a navigation program (e.g., programs that causes other portions of the image to be displayed when the user scrolls up, downs, or sideways to these parts of the image, see col. 2 lines 54-67);

wherein the image modification program further comprises:

instructions for determining, if the size of an image is larger than an allocated display area (e.g., see col. 2 lines 34-38);

responsive to a determination that the image is larger than the allocated display are, instructions for dividing the image into a plurality of fragments (e.g., the image 5 is divided into sections 7,8, 9, and 10 as shown in Fig. 3); and

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instructions for displaying a web page with a fragment from the plurality of fragments in the allocated display area (e.g., displaying section 7 in a display window 13, see Fig. 2; note that the users can interact with the displayed fragment like regular web page, see col. 3 lines 25-49);

wherein a number of fragments is determined by calculating a number of x axis divisions and a number of y axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 x-axis and 2 y-axis divisions);

wherein the image is divided into a plurality of fragments without a translation into a bit map image, or a raster image (e.g., see col. 2 lines 20-31 and lines 38-47; note that the browser translator 4 translates HTML or Java web pages into raster image; further note that the division is performed on the raster image that was translated from HTML or Java web pages; of course, those skilled in the art would have realized that the raster image is divided into a plurality of fragments without a translation into a bit map image, or a raster image because it is already in the raster image).

Tuli does not expressly teach that calculating the number of x axis divisions and the number of y axis divisions is based on pixels; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of calculating the number of x axis divisions and the number of y axis divisions is based on pixels because Tuli suggests to the skilled artisan that image 5 as shown in Fig. 2 is divided into 4 fragments of equal sizes to accurately and easily divide an image into smaller portions.

As to claims 3, 15, and 28, Tuli teaches the limitations of claims 1, 13, and 26 for the same reasons as discussed with respect to claims 1, 13, and 26 above. Tuli does not expressly disclose that responsive to a determination that the image is not larger than the display screen, displaying the unmodified web page. However, it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to include a function or step of responsive to a determination that the image is not larger than the display screen, displaying the unmodified image, in view of Tuli, because Tuli suggests to the skilled artisan that since web page images to be displayed in a browser window 6 are usually larger than the displayable area of the browser window 6, images are divided into smaller section (e.g., see col. 2 lines 34-47) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19); in other word, if an image is not larger than the display screen, displaying the unmodified image in order to avoid the process of translation, division, compression, and decompression; thus, to increase the speed of processing since the image is small enough for quick data transfer, retrieval to and from the portable devices (e.g., see col. 1 lines 15-19 and col. 2 lines 18-47).

As to claims 6, 18, and 31, Tuli teaches further comprising calculating the number of x-axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 x-axis divisions).

As to claims 7, 19, and 32, Tuli teaches further comprising calculating the number of x-axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 y-axis divisions).

As to claims 8, 20, and 33, Tuli teaches further comprising:
determining if a user wants to navigate the image (e.g., see col. 2 lines 56-63); and
responsive to a determination that a user wants to navigate the image, running an navigation program (e.g., programs that causes other portions of the images to be displayed when the user scrolls up, downs, or sideways to these parts of the image, see col. 2 lines 54-67).

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As to claims 9, 21, and 34, Tuli further teaches wherein the displaying step occurs on a hand held display device (e.g., the information is received by a palm top device 12 in Fig. 1 is then decompressed and displayed in its display window 13, see col. 2 lines 54-57).

As to claims 12, 24, and 37, Tuli teaches wherein the image is stored in an image file ending in gif, .jpg, or .bmp (e.g., see col. 4 lines 30-35).

As to claims 10, 22, and 35, Tuli teaches the limitation of claims 1, 13, and 26 for the reasons as discussed with respect to claims 1, 13, and 26 above. Tuli further teaches accessing the web page through a proxy (e.g., host computer 1 as shown in Fig. 1). Tuli fails to expressly teach that the proxy sends only one fragment to a hand held display device. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of sending only one fragment to a hand held display device, in view of Tuli, because Tuli suggests to the skilled artisan that sections of a web page image are decompressed and displayed in the order of priority such that the priority section is decompressed and displayed first (e.g., see col. 2 lines 56-60) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19).

As to claims 11, 23, and 36, Tuli teaches the limitation of claims 10, 22, and 35 for the reasons as discussed with respect to claims 10, 22, and 35 above. Tuli further teaches requesting another fragment (e.g., see col. 2 lines 59-63). Tuli fails to expressly teach that the proxy sends another fragment to a hand held display device. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of sending another fragment to a hand held display device, in view of Tuli, because Tuli suggests to the skilled artisan that other portions are sequentially decompressed and stored to

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be displayed later when the user scrolls up, down, or sideways to these parts of the image (e.g., see col. 2 lines 59-63) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19).

11. Claims 4, 5, 16, 17, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuli in view of Blumberg (Patent No US 6886034 B2, hereinafter Blumberg).

As to claims 5, 17, and 30, Tuli teaches the limitation of claims 1, 13, and 26 for the reasons as discussed with respect to claims 1, 13, and 26 above. However, Tuli does not expressly teach that determining if the web page contains the image; and responsive to a determination that the web page does not contain the image, displaying the unmodified web page. Blumberg, though, teaches determining if the online document (e.g., on-line documents, see col. 3 lines 26-28) contains the image (e.g., col. 3 lines 9-12); of course, those skilled in the art would have realized that the web page that does not contain the image are not typically stored as a large file and transmitting this file would not be a big burden on the network traffic.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of determining if an online document contains an image as taught by Blumberg to the method and program of displaying a web page as taught by Tuli because non-image elements such as text characters are scalable (e.g., see col. 1 lines 15-19) and such image-less documents are small files (e.g., see col. 1 lines 34-37); therefore, displaying an unmodified web page that does not contain the image without going through the process of division, converting from one format to another to speed up the processing time, data transfer and retrieval to and from the portable devices.

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As to claims 4, 16, and 29, Tuli teaches the limitation of claims 1, 13, and 26 for the reasons as discussed with respect to claims 1, 13, and 26 above. Tuli further teaches performing the determining if the size of an image is larger than an allocated display area step as previously discussed with respect to claim 1 above. However, Tuli does not expressly teach that determining if the web page contains the image; and responsive to a determination that the web page contains the image, performing the determining if the size of an image is larger than an allocated display area step. Blumberg, though, teaches determining if the online document (e.g., on-line documents, see col. 3 lines 26-28) contains the image (e.g., col. 3 lines 9-12); of course, those skilled in the art would have realized that the web page that does not contain the image are typically stored as a large file and transmitting this would be a big burden on network traffic. Thus, combining Tuli and Blumberg would meet the claimed limitation for the same reason as discussed in claims 5, 17, and 30 above.

12. Claims 2, 14, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuli in view of Silverstein et al (Pub No US 2003/0077002 A1; hereinafter Silverstein).

As to claims 2, 14, and 27, Tuli teaches the limitation of claims 1, 13, and 26 for the reasons as discussed with respect to claims 1, 13, and 26 above. Tuli further teaches the fragment is displayed at the image's intended resolution (e.g., see Fig. 2). However, Tuli does not expressly teach that the web page is displayed at a reduced resolution.

Silverstein, though, teaches this limitation on Figs. 6A-6B (e.g., note that the webpage is displayed at a reduced resolution while the fragment, the middle part, is displayed at the image's intended resolution); it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of displaying a web page at a reduced resolution and displaying a fragment of an image at the image's intended resolution as taught by

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Silverstein to the method and program of displaying a web page as taught by Tuli to be able to provide the user ability to quickly access remote information by limiting the amount of data that can be transmitted between the source and the handheld device and to allow a user to view the image's region of interest clearly.

Response to Arguments

13. Applicant's arguments with respect to claims 1-25, 27-37 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the cited prior art do not teach that the number of fragments is determined by calculating a number of x axis divisions and a number of y axis divisions based on pixels and that the image is divided into a plurality of fragments without a translation into a bit map image or raster image (e.g., see Applicant's remark page 11).

The Examiner disagrees

The prior art of Tuli teaches a number of fragments is determined by calculating a number of x axis divisions and a number of y axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 x-axis and 2 y-axis divisions). The Examiner then admits that Tuli does not expressly teach that calculating the number of x axis divisions and the number of y axis divisions is based on pixels; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of calculating the number of x axis divisions and the number of y axis divisions is based on pixels because Tuli suggests to the skilled artisan that image 5 as shown in Fig. 2 is divided into 4 fragments of equal sizes to accurately and easily divide an image into smaller portions.

Tuli further teaches the image is divided into a plurality of fragments without a translation into a bit map image or raster image (e.g., see col. 2 lines 20-31 and lines 38-47; note that the

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browser translator 4 translates HTML or Java web pages into raster image; further note that the division is performed on the raster image that was translated from HTML or Java web pages; of course, those skilled in the art would have realized that the raster image is divided into a plurality of fragments without a translation into a bit map image, or a raster image because it is already in the raster image).

Applicant argues that the prior art of Blumberg does not teach or suggest determining whether the web page contains an image for display in a hand held display device. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

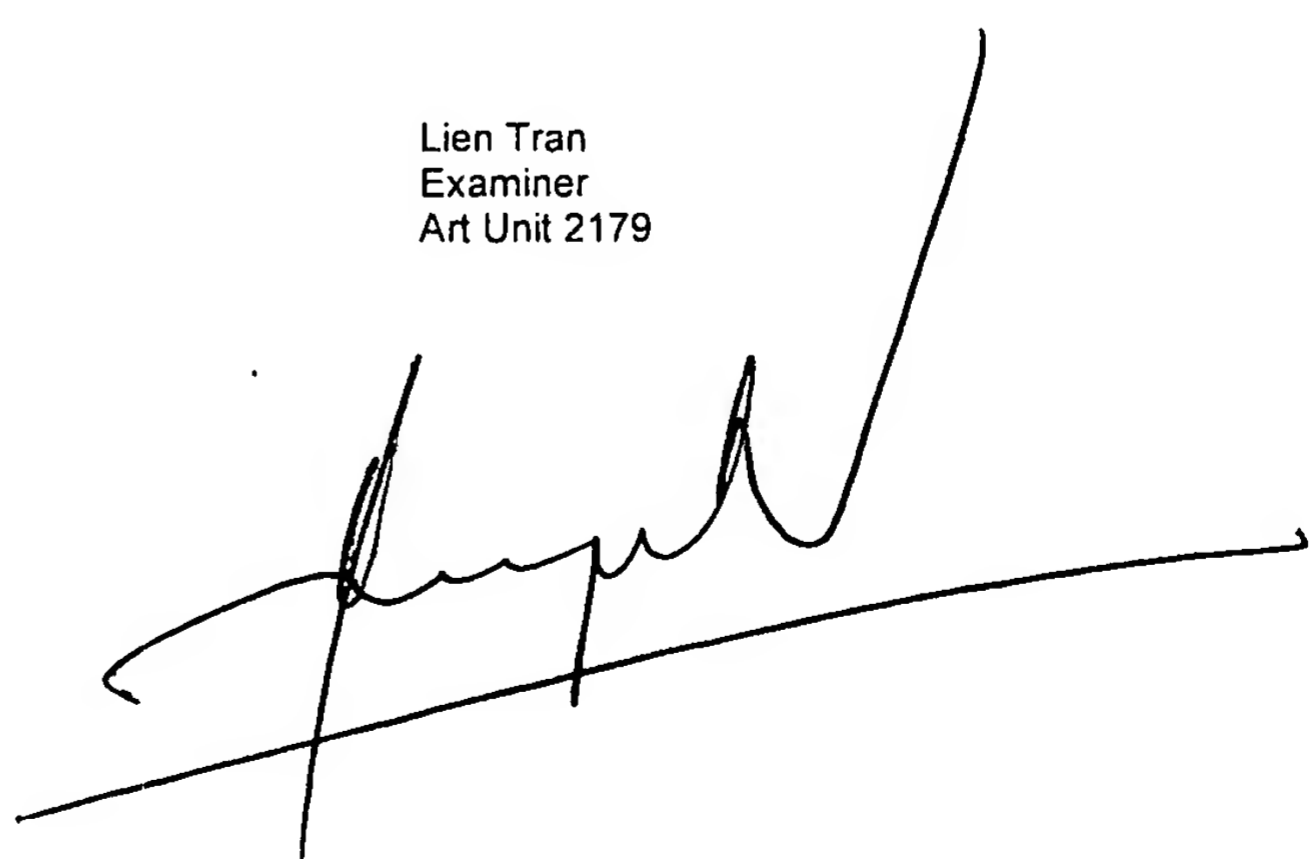
Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
5/21/2007

Lien Tran
Examiner
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A handwritten signature in black ink, appearing to be 'Lien Tran', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke.